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P30997

House Sub-Committee
HB5679
Lansing, Mi.

May 11, 2020

Dear Committee:

My name is Dr. Hugo J. Mack, I am writing in expression of what the SORA has done to me since being placed on it in 1995 and the dangers posed to me by proposed HB5679.

Before the registry even existed, I was convicted of CSC 1 in 1993; I have steadfastly maintained my innocence.

I have always felt that my ex post facto inclusion on it and its subsequent repressive amendments was beyond cruel to someone in my situation and constituted clear "punishment".

As a result of my conviction, I was disbarred and sentenced to 10-30 years within the MDOC.

When the statute went into effect in 1995, I had to register from the penitentiary.

During my ten years of incarceration I had NO misconduct tickets despite being retaliated against by the MDOC for authoring grievances and law suits against staff mistreatment of inmates.

I never took any sex offender therapy in prison as an admission of guilt is mandatory for same.

I was informed that my refusal to profess guilt meant I would “max out” and never have any chance for parole; some things in life are worth more than “freedom”; truth and integrity are two of them.

I saw the Parole Board in 2003; I explained to them that I would rather die in the prison with the truth than live one day outside with a lie.

The Parole Board examined my perfect 10 year record and integrity and did something they had never done before; they ordered the immediate release of a person who never professed guilt.

Less than 30 days after my parole, the parole officer violated my parole because I refused to tell her and the therapist that I was guilty of any crime.

At the 45 day review hearing the Adm. Law Judge chastised the parole officer for violating my parole because I have professed innocence.

That decision was appealed by the parole officer to the entire Parole Board which upheld the Adm. Law Judge’s ruling.

I finished parole in 2005 despite being burdened with not being able to buy clothes for my god-children or give out candy on Halloween.

My offense had nothing to do with children but was allegedly against a woman I had a 3.5 year extra-marital affair with whom I terminated the relationship in the midst of my run for 15th District Court Judge in Ann Arbor.

The only job I could find was driving a flower delivery truck for 11 years on minimum level wages.

I have had a perfect social record, despite this; in 2011 I was informed that I would be on the registry for LIFE instead of 25 years despite doing nothing meriting my extended stay on it.

Prior to 2011, I would have been off the registry in 2020, every day that I remain on it is a unsanctioned “punishment”.

Further, the amended statute made absolutely no provision for judicial review of the expanded LIFE registration for those eligible for removal after 25 years.

The original registry wasn’t supposed to be “public” but “private” for law enforcement purposes.

As briefly outlined below, placing my intimate contacts on a public registry has been devastating to say the least.

In 2007 I petitioned the Michigan Supreme Court for re-instatement of my law license.

I asked the Court to do something it had never done in the history of this state, reinstate a law license to a person with a capital offense.

Vindication doesn’t always come the way we want or feel we deserve; after two years of extensive review, testing, testimony and evaluations, by the grace of God my license was restored.

Due to being on the registry, I have been denied several legal positions that I am more than qualified for.

I have been run out of meeting rooms which were on school property despite being there representing a client.

I have had my SORA materials plastered over the internet to discredit me in my profession.

I have had to suffer the humiliation of going down to the police station every 90 days to register, including paying a yearly registration fee.

I have received vicious anonymous letters threatening and insulting me.

My clients have been berated by their legal opponents for hiring an attorney on the registry.

I have to be sure that my office is not within any school or safety zone.

I was denied the right to further my education because I was on the registry and couldn't get permission from the school to attend.

On every job application I fill out for other possible employment, once they discover I am on the registry, my application is dismissed.

Analysis

This current law is merely a wordsmith of the original proposal. It makes no allowance for someone such as myself, whose conviction predates the registry itself.

Despite this fact, I am placed on a public registry for life when the original statute called for a private and sun set registry for 25 years.

I have done absolutely nothing to be placed on the registry for life, I have done the legally impossible in regaining my law license, I deserve not to be harassed by the registry once the highest court in our state has certified my integrity and character.

Keeping someone like me on the registry for life, when the original registration period was 25 years, does not satisfy the intent of the registry, safety of the public and children.

To the contrary, it continues to stigmatize me and my desire to contribute more to society.

I request: 1. Individuals whose convictions occurred prior to the statutes enactment be removed from it.
2. If #1 is unacceptable, then said individuals should be subject to the original statute as written with private data bases and sunset clauses.
3. No one should be subject to ANY amendments enacted after their conviction.
4. The 2011 amendments should only apply to those convicted after its enactment.

In my professional opinion, if this statute passes in its current form, the State will be in perpetual litigation for the next decade.

This bill doesn't even begin to address the concerns of "ex post facto" and mandates of the Sixth Circuit's opinion (District Court as well).

This bill is still an unconstitutional punishment, particularly for someone in my situation and must be rejected for the aforementioned reasons.

I request the ability to personally testify at any future hearings.

/S/ Hugo J. Mack

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